

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD J. DROGOSCH,

Plaintiff,

Case No. 05-60071

v.

Honorable John Corbett O'Meara

TIM METCALF,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO STAY PENDING APPEAL

This matter came before the court on defendant Tim Metcalf's February 20, 2008 motion to stay pending appeal. Plaintiff filed a response March 7, 2008; and Metcalf filed a reply March 14, 2008. Pursuant to Local Rule 7.1(e)(2), no oral argument was heard.

On August 22, 2007, the court denied defendant Metcalf's summary judgment motion based on qualified immunity and later denied Metcalf's motion for reconsideration. Defendant Metcalf filed timely notice of appeal February 20, 2008.

The United States Court of Appeals has found that once an appeal is filed based on qualified immunity, it is appropriate for the district court to stay the proceedings pending the appeal. English v. Dyke, 23 F.3d 1086, 1089 (6th Cir. 1994).

Therefore, it is hereby **ORDERED** that defendant Metcalf's February 20, 2008 motion for stay pending appeal is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: April 10, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 10, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager